Court No. 1

Civil Misc. Writ Petition No. 4146 (S/S) of 2001

Kishan Singh & three Ors. …… Petitioners

Versus

State of Uttaranchal through
the Forest Secretary, Uttaranchal
and six others. ……. Respondents.

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioners seeking a writ of mandamus to command the respondents to consider the case of the petitioners for regularisation and to pay them regular salary as is being paid to the regular employees of the Department. The similar grievance raised by the other daily-wager employees of the Forest Department was considered by the High Court, Allahabad directed the Department to frame a scheme for regularisation of daily-wagers, against which the State of Uttar Pradesh approached the Hon'ble Apex Court. The Hon'ble Apex Court passed the following order :-

> "In the course of hearing of these appeals filed by the State of U.P. as well as the State of Uttaranchal, the main grievance appears to be the directions of the High Court directing framing of a scheme for regularisation of all daily-wagers/muster rolls employees irrespective of the fact whether they are in government or under any scheme. It appears to us that the scheme in question need not be framed so far as those who are under any scheme, as the continuity of the scheme is dependent upon several imponderables. But it cannot be doubted that a scheme for regularisation of those daily wagers who are in the Forest Department has to be framed particularly taking into account the

fact that they have been serving been serving for a period for 3 to 20 years. We modify the impugned directions of the High Court and substitute the same by directing that the scheme in question may be framed giving details as to how the services of those daily wagers/muster rolls under the Forest Department who have rendered 10 years or more service for being regularised. The scheme in question may be framed within three months from today and the matter may be called after three months to consider the feasibility and/or viability of the scheme to be formulated. The State is directed to file any further affidavit indicating as to how the persons are being regularised in accordance with the regularisation rules."

In view of the aforesaid directed of the Hon'ble Supreme Court, the respondents are directed that if the scheme has been framed and if the petitioners are eligible, their case for regularisation and to pay them regular salary shall be considered.

With the above observation, the writ petition is disposed of finally.

Sd/-

06.9.2001
P. Singh